

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 6/18/2013	(3) CONTACT/PHONE Brian Pedrotti, Planner III / 805-788-2788	
(4) SUBJECT Hearing to consider a request by the County of San Luis Obispo to amend Title 22 of the County Code, and the Land Use Ordinance, to incorporate a Planned Development Ordinance by adding new Sections 22.22.145 – Planned Development, 22.30.475 – Small-Lot Single-Family, amending Section 22.22.140 – Cluster Divisions (related to Residential Single-Family), and other related minor amendments. All Districts			
(5) RECOMMENDED ACTION That the Board of Supervisors:  1. Hold the public hearing on the amendment recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports (LRP2009-00009).  2. Take final action by adopting and instructing the Chairperson to sign the attached ordinance.			
(6) FUNDING SOURCE(S) Current Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 90 min) <input type="checkbox"/> Board Business (Time Est.____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? Yes	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW  Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) All Districts			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Brian Pedrotti, Planner III

VIA: Kami Griffin, Assistant Director, Department of Planning and Building

DATE: 6/18/2013

SUBJECT: Hearing to consider a request by the County of San Luis Obispo to amend Title 22 of the County Code, and the Land Use Ordinance, to incorporate a Planned Development Ordinance by adding new Sections 22.22.145 – Planned Development, 22.30.475 – Small-Lot Single-Family, amending Section 22.22.140 – Cluster Divisions (related to Residential Single-Family), and other related minor amendments. All Districts

## **RECOMMENDATION**

That the Board of Supervisors:

1. Hold the public hearing on the amendment recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports (LRP2009-00009).
2. Take final action by adopting and instructing the Chairperson to sign the attached ordinance.

## **DISCUSSION**

At today's meeting, your Board is to hold a public hearing for the following amendment and take final action.

The Planning Commission is transmitting the record of their meetings of March 14, 2013 and April 11, 2013 to your Board for the attached proposed amendment to the Land Use Ordinance as follows:

A request by the County of San Luis Obispo to amend Title 22 of the County Code, and the Land Use Ordinance, to incorporate a Planned Development Ordinance. The requested modifications include: 1) an amendment of Title 22 to add new Section 22.22.145 – Planned Development, 2) add new Section 22.30.475 – Small-Lot Single-Family, 3) amend Section 22.22.140 – Cluster Divisions (related to Residential Single-Family), and 4) miscellaneous minor amendments to Title 22 to amend Sections 22.80.030 – Definitions, Section 22.06.030 (Table 2-2), Section 22.10.140.D.2.d (Planned development or cluster division), Section 22.22.080.D (Condominiums), Section 22.22.090, Section 22.22.100, Section 22.22.120, and Section 22.30.290 (Lodging). Supervisorial District: All

On March 14, 2013, the Planning Commission held a public hearing to consider proposed amendments to the County Land Use Ordinance relating to Planned Developments. After consideration of the amendment, the Commission recommended that the Board approve the amendment with minor revisions.

The Planning Commission considered the above referenced matter and took the following action to recommend approval of the proposed amendment:

*On the motion of Commissioner Christianson, seconded by Commissioner Topping and carried unanimously, recommending to the Board of Supervisors approval of this Land Use Ordinance text amendment as shown in Exhibit LRP2009-00009:B based on Findings A through D.*

## **Findings**

### *Environmental Determination*

- A. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed ordinance will provide guidance to Planned Developments which are already allowed by the County Land Use Ordinance, but it will not change the allowed residential density or development potential that can already be achieved on any given site. Therefore, it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

### *Amendment*

- B. The proposed amendments are consistent with the Land Use Element and other adopted elements of the general plan because the changes are consistent with the general goals of the Land Use Element, the Economic Element, the Housing Element, and the Conservation and Open Space Element.
- C. The proposed amendments are consistent with the guidelines for amendments to the Land Use Ordinance because the amendments 1) provide a tool that helps ensure the neighborhood compatibility of new development is maximized through application of flexible site planning, 2) projects are required to provide justification for any relief from standard ordinance requirements and how the project will be innovative beyond standard development, 3) the ordinance guides cluster subdivisions, which help applicants avoid sensitive site constraints while still maximizing development potential of a site, 4) the flexibility inherent in a planned development can help achieve the use of energy efficient measures such as the use of natural light, ventilation, and shade, and 5) development will be required to provide a common open space for the benefit of the owners.
- D. The proposed amendments will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area because future planned development projects are required to be designed to provide for safe circulation, waste disposal, and parking and must meet health, fire and building codes.

## **OTHER AGENCY INVOLVEMENT/IMPACT**

The amendment was referred to all applicable responsible agencies and were reviewed and approved by the Planning Commission. In addition, County Counsel reviewed and approved the ordinance as to form and content.

## **BUSINESS IMPACT STATEMENT**

Approval of these ordinance amendments will provide positive effects on the business clusters identified in the San Luis Obispo County Clusters of Opportunity Economic Strategy prepared by the Economic Vitality Corporation in 2010. The Ordinance's overall goal is to provide flexibility for applicants when applying development standards to proposed common interest developments or common area maintenance projects. The purpose is to allow consideration of innovative and creative site planning and project design by incentivizing creative design. Further, the ordinance amendments promote energy efficiency, and the more efficient use of resources. For these reasons, the Building Design and Construction and Green Energy Team clusters in particular should be positively affected by the proposed ordinance.

**FINANCIAL CONSIDERATIONS**

County initiated amendments are processed using funds in the current Planning and Building Department budget.

**RESULTS**

Final approval of the requests will allow the amendments to become effective 30 days after today's date (July 19, 2013).

**ATTACHMENTS**

- Attachment A: Exhibit LRP2009-00009 (Signed Ordinance Amendment)
- Attachment B: Planning Commission Letter (includes the proposed amendments showing strikeout and new text).
- Attachment C: Planning Commission Draft Minutes from March 14, 2013 and April 11, 2013
- Attachment D: Staff Memorandums, Clean Reader-Friendly Ordinance, and Marked-Up Ordinance for the April 11, 2013 Planning Commission Meeting
- Attachment E: Staff Report for the March 14, 2013 Planning Commission Meeting